

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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LESLIE LLOYD MOSS, PRO SE, §  
also known as LESLIE L. MOSS, §  
TDCJ-CID No. 896113, §  
§ Plaintiff, §  
§ v. § 2:12-CV-0129  
§  
BRAD LIVINGSTON, Executive Director for §  
TDCJ; JOHN ADAMS, Head Warden; §  
DAVID GREGORY, Assistant Warden; §  
JAMES JUDD, Lutinant; §  
LANCE MONDRAGON, Sergeant; §  
LISA SWINT, Lutinant; CALEB SIMMS, §  
Correctional Officer IV; §  
JOHNATHAN McCARTY, Correctional §  
Officer IV; CHARLES STOTTS, Correctional §  
Officer IV; DEBORA SMITH, LVN; and §  
DHIRAJLAL PATEL, Doctor, §  
§ Defendants. §

**ORDER OF PARTIAL DISMISSAL**

Plaintiff LESLIE LLOYD MOSS, acting pro se and while a prisoner confined in the Texas Department of Criminal Justices, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and has been granted permission to proceed in forma pauperis.

On June 12, 2012, a Report and Recommendation was issued by the United States Magistrate Judge recommending plaintiff's claims against defendants LIVINGSTON, ADAMS, and GREGORY, who are sued only their official capacities, be DISMISSED AS BARRED BY SOVEREIGN IMMUNITY; plaintiff's claims against defendants JUDD and SWINT in their official capacities be DISMISSED AS BARRED BY SOVEREIGN IMMUNITY, and plaintiff's claims

against defendant PATEL be DISMISSED FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

Plaintiff requested and received an extension, filing his Objections on July 9, 2012.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the Objections filed by the plaintiff.

The Court is of the opinion that the objections of the plaintiff should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that plaintiff's Claims against defendants LIVINGSTON, ADAMS, and GREGORY, who are sued only their official capacities, are DISMISSED AS BARRED BY SOVEREIGN IMMUNITY; plaintiff's claims against defendants JUDD and SWINT in their official capacities are DISMISSED AS BARRED BY SOVEREIGN IMMUNITY, and plaintiff's claims against defendant PATEL are DISMISSED FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

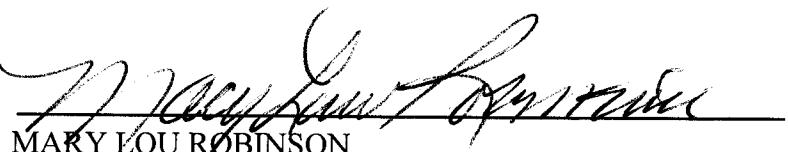
The Clerk shall send a copy of this order to plaintiff and to any attorney of record.

The Clerk shall also provide a copy of this order by regular mail, facsimile transmission, or e-mail to: (1) the TDCJ—Office of the General Counsel, P.O. Box 13084, Austin, Texas, 78711, Fax Number (512) 9362159; (2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342–0629,

fax: 936-437-4793; and (3) the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Manager of the Three-Strikes List.

It is SO ORDERED.

Signed this the 11 day of July, 2012.

  
MARY LOU ROBINSON  
United States District Judge